



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: American Construction Management, Inc.
File: B-232602
Date: January 10, 1989

DIGEST

Cancellation of RFP, which did not contain statement of evaluation factors for award, Davis-Bacon Act Wage determination and applicable clauses, is proper and such cancellation renders protest against extension of closing date academic.

DECISION

American Construction Management, Inc. (ACM), protests the proposed cancellation of request for proposals (RFP) No. 535-92-88, issued July 4, 1988, by the Veterans Administration (VA) Lakeside Medical Center in Chicago, Illinois, for the installation of an oak handrail at the VA Outpatient Clinic in Crown Point, Indiana.

We dismiss the protest.

The VA received only ACM's proposal by the closing date of August 25. Concerned at the lack of response, the contracting officer contacted various firms that had been sent the solicitation and learned they had not received the solicitation because the envelopes used did not have the VA seal or identification numbers and were not delivered. To obtain more competition, the contracting officer issued amendment No. 2 to the RFP on September 6, 1988, which extended the closing date to September 26, 1988. Following the new closing date, an additional proposal was received.

ACM protested this action, contending that it had submitted a timely response to the RFP and was entitled to receive the award.

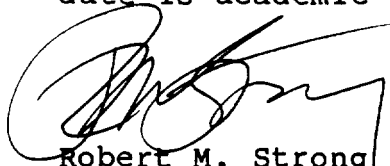
Following ACM's protest, the solicitation was reviewed by the VA's Office of Acquisition and Material Management in Washington and the VA now recommends that the RFP be canceled and the requirement resolicited.

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Upon review, it was determined that the RFP did not contain any statement of the evaluation factors upon which the award would be based. Also, the solicitation did not contain a wage determination pursuant to the Davis-Bacon Act nor applicable contract clauses. Finally, outdated prompt payment, disputes, and changes clauses had been inserted in the RFP.

We have recognized that a solicitation that does not set forth a common basis for evaluating offers, ensuring that all firms are on notice of the factors for award and able to compete on an equal basis, is materially deficient and properly may be canceled. Union Natural Gas Co., B-225519.4, June 5, 1987, 87-1 CPD ¶ 572. Accordingly, the failure of the RFP to contain the evaluation factors alone is sufficient basis for the proposed cancellation.

Because no award could properly be made under the instant RFP, ACM's protest regarding the extension of the closing date is academic and is dismissed.

A handwritten signature in black ink, appearing to read 'R. Strong', is written over the printed name.

Robert M. Strong
Associate General Counsel